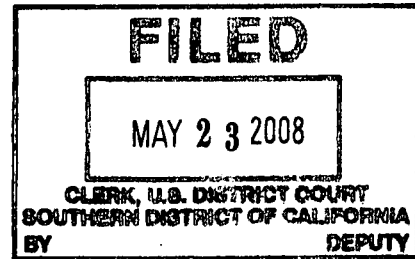


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United States of America



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL VALADEZ-MARTINEZ,

Defendant.

Criminal Case No. 08CR1262-IEG

**STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF MATERIAL
WITNESSES AND ORDER THEREON**

IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, KAREN P. HEWITT, United States Attorney, and William A. Hall, Jr., Assistant United States Attorney, and Defendant JOSE MANUEL VALADEZ-MARTINEZ, by and through and with the advice and consent of defense counsel, Sara M. Peloquin, Esq., Federal Defenders of San Diego, Inc., that:

1. Defendant agrees to execute this stipulation on or before the disposition date and to participate in a full and complete inquiry by the Court into whether Defendant knowingly, intelligently and voluntarily entered into it. Defendant agrees further to plead guilty to Count 1 of the Indictment, which charges Defendant with Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii) and (v)(II).

1 2. Defendant agrees to plead guilty to the charge described above pursuant to the plea
2 agreement on or before May 23, 2008.

3 3. The material witnesses, Jose Guadalupe Lopez-Guerrero, Rogelio Cervantes-
4 Sanchez, and Jose Cruz Ramirez-Castorena, in this case:

5 a. Are aliens with no lawful right to enter or remain in the United States;

6 b. Entered or attempted to enter the United States illegally on or about March
7 30, 2008;

8 c. Were found in a vehicle driven by Defendant in Calexico, California, and that
9 Defendant knew or acted in reckless disregard of the fact that they were aliens with no lawful right
10 to enter or remain in the United States;

11 d. Were paying, or having others pay on their behalf, \$2,000 USD to Defendant
12 or others to be brought into the United States illegally and/or transported illegally to their
13 destination therein; and,

14 e. May be released and remanded immediately to the Department of Homeland
15 Security for return to their country of origin.

16 4. After the material witnesses are ordered released by the Court pursuant to this
17 stipulation and joint motion, if Defendant does not plead guilty to the charge set forth above, for
18 any reason, or thereafter withdraws his guilty plea to that charge, Defendant agrees that in any
19 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral
20 attack, that:

21 a. The stipulated facts set forth in paragraph 3 above shall be admitted as
22 substantive evidence;

23 b. The United States may elicit hearsay testimony from arresting agents
24 regarding any statements made by the material witnesses provided in discovery, and such testimony
25 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against
26 interest of an unavailable witness or witnesses; and,

c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004), "testimonial" hearsay statements are not admissible against a defendant unless the defendant confronted and cross-examined the witness or witnesses who made the "testimonial" hearsay statements, Defendant waives the right to confront and cross-examine the material witnesses in this case.

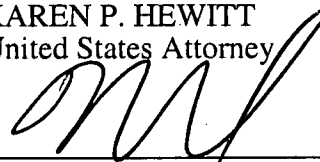
5. By signing this stipulation and joint motion, Defendant certifies that Defendant has read it (or that it has been read to Defendant in Defendant's native language). Defendant certifies further that Defendant has discussed the terms of this stipulation and joint motion with defense counsel and fully understands its meaning and effect.

Based on the foregoing, the parties jointly move the stipulation into evidence and for the immediate release and remand of the above-named material witnesses to the Department of Homeland Security for return to their country of origin.

It is STIPULATED AND AGREED this date.

Respectfully submitted,


KAREN P. HEWITT
United States Attorney



WILLIAM A. HALL, JR.
Assistant United States Attorney

Dated: 5/23/08

Dated: 5/19/08



SARA L. PELOQUIN, ESQ.
Defense Counsel

Dated: 5/19/08

~~X~~ Jose Valades Martinez
JOSE MANUEL VALADEZ-MARTINEZ
Defendant

ORDER

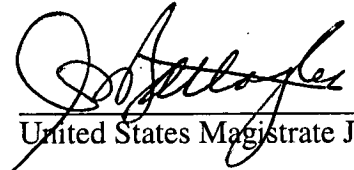
Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witnesses be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 5/23/08


United States Magistrate Judge